

ORDINANCE No. 183397

Modify Public Works Code and accept associated rules for new enforcement authorities and provide clarity for public works permits, required sewer connections and maintenance of green street facility trees (Ordinance; repeal and replace Chapters 17.32 and 17.33, and Figure 13; amend Chapters 16.70, 17.04, 17.16, 17.24, 17.28, 17.38, 25.08 and 29.20).

The City of Portland ordains:

Section 1. The Council finds:

1. Title 17.32 of the Portland City Code authorizes public sewer and drainage improvements to the City's sanitary sewer and stormwater management systems within public rights-of-way and has never had specific enforcement code language making unpermitted modifications to those improvements an enforceable violation, but previously relied on language in the general permitting authorities of Chapter 17.24 leading to low staff confidence in enforcing violations.
2. Title 17.33 of the Portland City Code describes the conditions under which properties must make sewer connections as required by the City's Mandatory Sewer Connection and Nonconforming Sewer Conversion programs which were combined into a single code section by Ordinance 181506 passed by Council on December 17, 2007. New changes reorganize the title for clarity on which code elements relate to which of the programs.
3. The Tabor to the River and Grey to Green programs administered by BES are implementing hundreds of new green street projects and planting thousands of trees in rights of way adjacent to private property over the next five years to enhance watershed health. The functions of those improvements need protection from unintentional or intentional modification counter to their designed purpose.
4. The various code sections regarding requirements for private property owners are unclear with respect to maintenance and repair responsibilities for public improvements like green streets located in front of their home.
5. Other code sections regarding private responsibilities for connection to public sewer when it becomes available in front a private property, are also unclear and poorly coordinated regarding requirements and intent.
6. The proposed Code changes remove redundant language, fix organizational and grammatical errors, increase program efficiency and effectiveness, and are intended to improve public comprehension of various code sections. These changes represent more than three years of cooperative effort by the Bureau of Environmental Services, Office of Transportation, Bureau of Development Services, Auditors Office and City Attorney's Office.
7. Administrative rules have been developed or updated to provide guidance to the public and implementing staff regarding the proposed code and have been thoroughly reviewed by the City Auditor's Office and the City Attorney's Office.

8. A list of interested parties for the Development Review Advisory Committee, Watersheds Stormwater Advisory Committee, and Office of Neighborhood Involvement was used for notification of the proposed Code and associated administrative rules changes in a public review period during the first two weeks of September of 2009. Only one clarification comment was generated.

NOW, THEREFORE, the council directs:

- a. Repeal and Replace Chapters 17.32 and 17.33 and Figure 13 in their entirety and amend Chapters 16.70, 17.04, 17.16, 17.24, 17.28, 17.38, 25.08, and 29.20 of the City Code as set forth in Exhibit A of this Ordinance.
- b. Direct the Director of BES to adopt a new rate ordinance that specifically lists the Nonconforming Sewer Conversion Program simple and complex charges.
- c. This ordinance and the attached administrative rules (Exhibits B and C) are binding City policies.
- d. Council accepts the form and intent of the administrative rules that the Bureau of Environmental Services has created to support the Required Sewer Connection and Connection Financial Assistance Program (Exhibit B – replacing ENB 4.18) and the BES Public Works Enforcement Program (Exhibit C - new), as may be adopted by the director of BES in accordance with existing code provisions Sections 17.32.500 and 17.33.110.

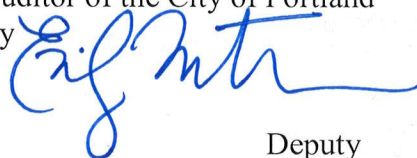
Passed by the Council
Dan Saltzman
Commissioner of Public Affairs

DEC 09 2009

[Dawn Hottenroth]
[November 16, 2009]

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

~~-1677-1713~~

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Agenda No.
ORDINANCE NO. 183397
Title

Modify Public Works Code and accept associated rules for new enforcement authorities and provide clarity for public works permits, required sewer connections, and maintenance of green street facility trees. (Ordinance; repeal and replace Chapters 17.32 and 17.33, and Figure 13; amend Chapters 16.70, 17.04, 17.16, 17.24, 17.28, 17.38, 25.08, and 29.20).

INTRODUCED BY Commissioner/Auditor:	CLERK USE: DATE FILED <u>NOV 27 2009</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	By: <u>Susan Larson</u> Deputy
Position 3/Affairs - Saltzman <i>Don Saltzman</i>	
Position 4/Safety - Leonard	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: BES	DEC 02 2009 PASSED TO SECOND READING DEC 09 2009 9:30 A.M.
Bureau Head: Dean Marriott <i>Dean Marriott</i>	
Prepared by: Dawn Hottenroth	
Date Prepared: November 16, 2009	
Financial Impact Statement	
Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Not Required <input checked="" type="checkbox"/>	
Portland Policy Document	
If "Yes" requires City Policy paragraph stated in document.	PPD
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Council Meeting Date	
December 2, 2009	
City Attorney Approval <i>PIC</i>	

AGENDA
TIME CERTAIN <input type="checkbox"/>
Start time: _____
Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/>
Total amount of time needed: 15 min (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input checked="" type="checkbox"/>	
Adams	<input checked="" type="checkbox"/>	

VOK - Toni